

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #11	CCRB Case #: 201804625	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/22/2018 12:05 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 9/22/2019	EO SOL 9/22/2019	
Date/Time CV Reported Mon, 06/11/2018 12:42 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/11/2018 12:42 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Delpino	11853	948868	SRG 5
2. SSA Patrick Quigley	00005	934081	SRG 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Craig Lupardo	07830	950790	SRG 5
2. POM Emilio Miranda	19919	964007	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Delpino	Force: Police Officer Daniel Delpino used physical force against § 87(2)(b)	§ 87(2)(b)
B.SSA Patrick Quigley	Abuse: Sergeant Patrick Quigley failed to secure medical treatment for § 87(2)(b)	§ 87(2)(b)

Case Summary

On June 11, 2018, § 87(2)(b) filed this complaint with the CCRB over the phone on behalf of himself, § 87(2)(b) and § 87(2)(b).

On March 22, 2018, at approximately 1:40 p.m., § 87(2)(b) and § 87(2)(b) were in the hallway of the NYCHA complex located at § 87(2)(b) in Staten Island. Sgt. Patrick Quigley, PO Daniel Delpino, and PO Craig Lupardo of Strategic Response Group 5 arrested them for § 87(2)(b). After § 87(2)(b) was handcuffed, PO Lupardo walked with him to the stairwell and walked down the stairs with § 87(2)(b) and escorted him out of the building via the staircase. § 87(2)(b) walked down the stairs backwards while PO Delpino held his arms. § 87(2)(b) walked down the stairs slow in an attempt to not fall. PO Delpino pulled § 87(2)(b)'s arms causing him to lose his balance and fall down the stairs to the landing (**Allegation A – Force, § 87(2)(g)**). PO Delpino also fell down the stairs along with § 87(2)(b). § 87(2)(b) was taken to the 120th Precinct stationhouse and asked Sgt. Quigley to be taken to the hospital. Sgt. Quigley told § 87(2)(b) that there was no need, and that he would be released shortly. Sgt. Quigley failed to secure medical attention for § 87(2)(b) (**Allegation B – Abuse of Authority, § 87(2)(g)**).

Video footage of this incident was provided by IAB and is VIPER surveillance footage of the stairwell between the first and second floors of the NYCHA complex located at § 87(2)(b) in Staten Island and captured on March 22, 2018 (**Board Review 01**).

This case was originally assigned to SI John Butler; however, on November 21, 2018, the case was reassigned to the undersigned investigator due to the departure of SI Butler from the agency.

Findings and Recommendations

Allegation A - Force: Police Officer Daniel Delpino used physical force against § 87(2)(b)

§ 87(2)(b) who provided a sworn statement, and § 87(2)(b) who provided a phone statement, were consistent in their testimonies that after PO Delpino placed § 87(2)(b) in handcuffs, that he escorted him into the stairwell by holding him by the arm in such a way that § 87(2)(b) was facing backwards away from the direction that PO Delpino was walking. § 87(2)(b) asked PO Delpino how he expected to bring him down the stairs backwards. PO Delpino went down the stairs anyway, holding § 87(2)(b) by the arm. § 87(2)(b) had difficulty walking down the stairs backwards, and he moved slowly. Approximately three steps down the stairs, PO Delpino pulled on § 87(2)(b) arm, causing him to lose his balance and causing PO Delpino and § 87(2)(b) to fall together down the stairs to the first-floor landing. § 87(2)(b) landed partially on PO Delpino and partially on the stairs and the landing on his back and shoulders. § 87(2)(b) sustained pain to his back and shoulders from falling down the stairs.

§ 87(2)(b) testified that he was escorted down the stairs before § 87(2)(b). Upon § 87(2)(b) getting to the bottom of the stairs, he looked up to the top of the stairwell as PO Delpino escorted § 87(2)(b) down the stairs. § 87(2)(b) walked down the stairs face first and was not

escorted backwards. PO Delpino escorted § 87(2)(b) and pushed and pulled him down the stairs, causing § 87(2)(b) to fall and tumble down the steps. § 87(2)(b) landed on his shoulder, and the officer landed on top of him.

§ 87(2)(b) did not see § 87(2)(b) fall down the stairs.

PO Delpino and PO Lupardo were consistent in their testimonies that while PO Delpino was escorting § 87(2)(b) down the stairs, that § 87(2)(b) moved his body back and forth and did not walk with PO Delpino as he guided § 87(2)(b) down the stairs. PO Delpino held § 87(2)(b) with his left arm wrapped around § 87(2)(b) right arm while § 87(2)(b) hands were handcuffed behind his back. PO Delpino overcame § 87(2)(b) resistance by using his body weight to stabilize § 87(2)(b) to prevent him from falling down the stairs. During § 87(2)(b) resistance, § 87(2)(b) came to be positioned slightly behind and to the left of PO Delpino. As they walked halfway down the stairs, § 87(2)(b) said, “Don’t throw me down the stairs,” and then lunged forward using his shoulder to strike PO Delpino’s left side and causing both parties to fall down the stairs to the first-floor landing. § 87(2)(b) fell on top of PO Delpino, and PO Delpino moved him to the side and then stood up with him. PO Delpino sustained swelling to his knee and bruising to his right hip and shoulder from falling down the stairs.

Sgt. Quigley testified that he did not observe § 87(2)(b) and PO Delpino fall down the stairs.



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VIPER video of the incident was obtained. In the video at 00:03, the feet of § 87(2)(b) and PO Delpino are seen descending the staircase. § 87(2)(b) is walking face-first down the stairs and is slightly behind PO Delpino. § 87(2)(b)'s feet then trip and he falls into PO Delpino, sending both men falling approximately five stairs. § 87(2)(b) falls onto PO Delpino at the landing of the staircase. § 87(2)(b) and PO Delpino then stand up. § 87(2)(b) stands hunched over and limps down the remaining set of stairs.

§ 87(2)(g)

Allegation B – Abuse of Authority: Sergeant Patrick Quigley failed to secure medical treatment for § 87(2)(b)

§ 87(2)(b) testified that after falling down the stairs, that at the arrest location in the RMP, he told an officer, who he did not recall, that he wanted to go to the hospital due to injuries he sustained from the fall. The officers drove him to the 120th Precinct stationhouse. At the 120th

Precinct stationhouse, § 87(2)(b) learned that PO Delpino went to the hospital to have himself examined after the fall. An officer took off § 87(2)(b) shirt and photographed his chest to document any injuries. § 87(2)(b) told Sgt. Quigley that he needed to go to the hospital. Sgt. Quigley told § 87(2)(b) that he was going to charge him with possession of marijuana and then allow him to leave the stationhouse. Sgt. Quigley suggested to § 87(2)(b) that it would be better if he did not go to the hospital so that he could be immediately released from police custody. Sgt. Quigley asked him to sign a form stating that he had refused medical attention. § 87(2)(b) refused to sign the document because he wanted to secure medical treatment. § 87(2)(b) asked Sgt. Quigley to bring him to the hospital several times and Sgt. Quigley did not bring him to the hospital and each time replied that § 87(2)(b) would be leaving soon. Sgt. Quigley placed § 87(2)(b) in the holding cells, and § 87(2)(b) did not see him again. At approximately 1:00 a.m. on March 23, 2018, § 87(2)(b) spoke with a uniformed police officer who appeared to be the cell attendant, identified by the investigation as PO Emilio Miranda of the 120th Precinct, and told him that he needed to go to the hospital. PO Miranda called an ambulance for § 87(2)(b) and he was transported to § 87(2)(b) in Staten Island where he was treated with muscle relaxers for injuries he sustained to his back.

Medical records from § 87(2)(b) were obtained. On § 87(2)(b), § 87(2)(b) was brought to § 87(2)(b) in police custody. He complained that he was thrown to the ground by police and complained of pain to his back, right shoulder, and hand. He was diagnosed with a muscle strain and was prescribed pain medication and muscle relaxers (**Board Review 08**).

Sgt. Quigley testified that PO Delpino sustained injuries from falling down the stairs. Sgt. Quigley called for an ambulance to the 120th Precinct stationhouse for PO Delpino, which brought PO Delpino to the hospital. Sgt. Quigley did not recall if § 87(2)(b) complained of sustaining any injuries during the incident. § 87(2)(b) did not ask Sgt. Quigley if he could go to the hospital. Sgt. Quigley stated that he had a vague recollection that § 87(2)(b) might have gone to the hospital at some point, and he believed that he may have gone to the hospital as the incident was classified as a Level II use of force, which generally involves a civilian who is taken to the hospital for treatment. Sgt. Quigley did not refuse to obtain medical treatment for § 87(2)(b) at any point. Sgt. Quigley reviewed the medical treatment of prisoner report, which he prepared, and recalled that § 87(2)(b) was offered medical treatment but that he refused treatment. Sgt. Quigley went end-of-tour at 6:15 p.m. on March 22, 2018.

PO Lupardo testified that PO Delpino went to the hospital to be treated for his injuries, and § 87(2)(b) said at the stationhouse that he was not injured and just wanted to be released with a DAT. § 87(2)(b) was not issued a DAT and was processed through central booking. PO Lupardo did not recall if § 87(2)(b) complained later of sustaining further injuries at the stationhouse and did not know if he ever went to the hospital. PO Lupardo did not see Sgt. Quigley refuse to obtain medical treatment for § 87(2)(b).

PO Delpino testified that he was at the 120th Precinct stationhouse for approximately 10 minutes before an ambulance arrived and escorted him to Richmond University Medical Center. PO Delpino did not hear § 87(2)(b) request to go to the hospital and never witnessed any officer refuse to bring § 87(2)(b) to the hospital upon request. PO Delpino prepared line of duty paperwork for the incident and did not return to full active duty until June 12, 2018. He attended 24 sessions of physical therapy to rehab his injured knee. PO Delpino did not know if § 87(2)(b) ever went to the hospital.

PO Miranda testified that he was the cell attendant and that he did not recall this incident.

The command log shows that § 87(2)(b) arrived at the stationhouse at 12:05 p.m. on March 22, 2018 (**Board Review 09**). The medical treatment of prisoner form prepared by Sgt. Quigley states “Prisoner was offered and refused medical treatment.” The report was not signed by § 87(2)(b) and “Refused” is written in the box where § 87(2)(b) was meant to sign (**Board Review 02**).



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NYPD Patrol Guide Procedure 200-02 states that the mission of the New York City Police Department is to protect the lives of all citizens of New York City (**Board Review 07**). NYPD Patrol Guide Procedure 210-04 states that officers are to obtain medical treatment for prisoners when necessary (**Board Review 03**).

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) and § 87(2)(b) have been a party. **(Board Review 04)**
- Sgt. Quigley has been a member-of-service for 14 years and has been a subject in 12 CCRB complaints and 37 allegations, two of which were substantiated. § 87(2)(g)
[REDACTED]
 - 201200818 involved a substantiated allegation of Abuse – Stop, and Abuse – Frisk in which Sgt. Quigley stopped and frisked the complainant while he was walking on the street. The Board recommended charges and Sgt. Quigley was found not guilty at trial.
- PO Delpino has been a member-of-service for eight years and this is the first CCRB complaint in which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation due to an arrest without the issuance of a DAT.
- As of December 6, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint **(Board Review 05)**.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] **(Board Review 06)**.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED] **(Board Review 06)**.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. **(Board Review 06)**.

Squad No.: 11

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date